GOVERNMENT OF KARNATAKA

Social Welfare and Labour Department

Labour Dispute—Industrial Dispute between the workmen and the management of Hindustan Aeronautics Ltd., Bangalore.

Award of the Presiding Officer, Additional Industrial Tribunal, Bangalore-20, published.

Read the following papers:—

(1) Letter No. AIT 714/74-75, dated 17th/18th February 1975 from Sri G. S. Bhagwat, Presiding Officer, Additional Industrial Tribunal, Bangalore-20.

BEFORE THE PRESIDING OFFICER, ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE

Dated this the 17th day of February 1975

A.I.D. 11 OF 1966

I Party.—

Workmen of Hindustan Aeronautics Ltd., by The General Secretary, Hindustan Aeronautics Employees' Association, Bangalore-17.

Vs.

II Party.—

The Management of Hindustan Aeronautics Ltd., Bangalore-17.

A.I.D. 21 OF 1966

I Party.—

Workmen of Hindustan Aeronautics Ltd., by the General Secretary Hindustan Aeronautics Employees' Association, Bangalore-17.

Vs.

II Party.—

The Management of Hindustan Aeronautics Ltd., Bangalore-17.

Appearances:

For the I Party.—Sri A. Nagesha Rao, Advocate, Bangalore.

For the II Party.—Sri S. C. Sundarswamy, Advocate, Bangalore.

AWARD

The Government of Mysore (now Karnataka), being of opinion that the Industrial Disputes existed between the workmen and the Management of Hindustan Aeronautics Ltd., Bangalore, regarding the applicability of the provisions of the Payment of Bonus Act and extension of benefits of the said Act with regard to the claim of profit-sharing bonus for the years 1962-63, 1963-64 and 1964-65 and quantum of profit-sharing bonus of the total annual wages, in exercise of the powers conferred on the State Government, under Section 10, sub-section 1 clause (d) of the Industrial Disputes Act, by their Order No. in G.O. No. LMA 140 LLD 66, dated 7th April 1966 and G.O. No. LMA 140 LLD 66, dated 16th June 1966, orginally made these references to the Industrial Tribunal, Bangalore and later the Government by their Order in G.O. No. LMA 595 I.LE 66, dated 29th November 1966 transferred the above mentioned two disputes under Section 33(b) of the Industrial Disputes Act, to this Tribunal for adjudication. These references had been numbered in the Industrial Tribunal, Bangalore, as I.D. No. 98/66 and 128/66. After they were transferred and received in this Tribunal, they were separately numbered as A.I.D. 11/66 and 21/66.

2. The workmen filed their claim statements and the Management of H.A.L., Bangalore opposed the claims of the workmen and they filed their counter statements also. In addition to the points of disputes referred in A.I.D. 11/66 and 21/66, 12 other issues were framed in A.I.D. No. 11/66 and 4 issues in A.I.D. No. 21/66. Both the parties let in oral as well as documentary evidence and my learned predecessor passed an Award by his considered Order dated 2nd August 1971, which was published in

Mysore Gazette, dated 26th August 1971. Being aggrieved of this Award, the Management of Hindustan Aeronautics Ltd., Bangalore, approached the High Court of Mysore, (now Karnataka) in Writ Petition 2385/71 with a request to quash the Award dated 2nd August 1971 and to hold that they are not liable to pay any Profit Sharing Bonus to their workmen under the Payment of Bonus Act, 1965 etc. This Writ Petition of the Management of H.A.L. was allowed and the Hon'ble Justice E. S. Venkataramiah by his Order 13th June 1974, set aside the Award passed by this Tribunal in A.I.D. No. 11/66, dated 2nd August 1971 and remanded the case back to this Tribunal for fresh consideration and disposal, in the light of the evidence already recorded and the evidence to be adduced hereafter in accordance with law.

3. On receipt of the records from the High Court of Karnataka, notices were issued to both the parties and they appeared through their representatives and took several adjournments. On 15th February 1975 when the case finally came up for hearing a separate memo came to be filed in A.I.D. 11/66 and also in A.I.D. No. 21/66 on behalf of the workmen of Hindustan Aeronautics Ltd., Bangalore, stating that they do not wish to press the reference in the above cases. On behalf of the management of Hindustan Aeronautics Ltd., Bangalore, recorded no objection to these memos filed on behalf of the workmen and hence the memos filed on behalf of the workmen in A.I.D. No. 11/66 and A.I.D. No. 21/66 are recorded separately.

4. Heard on both sides and it has been fairly conceded that the points of dispute inquestion were amicably settled between the parties and the workmen have nothing more to prosecute with regard to their demands under reference.

In the result the aforestated references are rejected, the same being not pressed by the workmen at whose instance they were sponsored.

No Order as to costs.

A copy of this shall be kept in A.I.D. No. 21/66.

G. S. BHAGAWAT,

Presiding Officer,
Addl. Industrial Tribunal, Bangalore.

ORDER

No. SWL 51 LLA 75, Bangalore, dated 5th March 1975

S. O. 976 —

Whereas by State Government Order Nos. (1) LMA 140 LLD 66, dated 7th April 1966 and (2) LMA 140 LLD 66, dated 16th June 1966 the Industrial Dispute between the workmen and the management of Hindustan Aeronautics Ltd., was referred to the Additional Industrial Tribunal, Bangalore for adjudication.

And, whereas the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Dispute Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette.*

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,

Under Secy. to Govt., S.W. and Labour Department.